Claim 14 has been amended to correct the class of the claimed invention as a method according to Claim 13, and not a process claim.

Claim 18 has been amended to incorporate the limitations of Claims 15-17 and to restate Claim 18 as an independent Claim.

New claims 19-29 have been added to cover the preferred embodiments of the slider of the present invention which comprise a wedge configuration which allows for a slider that may be used act on a fastener to both open and close it. Antecedent basis for these amendment can be found in the Specification at pages 12-13.

No new matter has been added to the application.

Attached hereto is a marked-up version of the changes made to the Claims by the current amendment. The attached page is captioned "Version of Complete Claims with Markings to Show Changes Made".

Summary of the Invention

The above-identified application as defined by the amended claims relates to a slider which can be used for opening and closing a rigid, elongate reclosable fastener lying in a two dimensional plane defining orthogonal X and Y directions. The slider comprises a base; two elongate members each having an internal surface, a proximal end depending from the base and a distal end; a pivot depending from the distal end of the first elongate member projecting towards the second elongate member; and a tracking member depending from the distal end of the second elongate member projecting toward the first member. Further, the pivot is spaced apart from the tracking member along the width of the slider.

The present application also relates to methods for using the slider and for a container which comprises it.

§112 Rejection

The Examiner has rejected Claim 1-12 under 35 U.S.C. §112, second paragraph, as being indefinite in that the language of original claims 1 and 4 set forth limitations to the reclosable fastener on which the slider acts. By the amendment presented herein Applicant has removed limitations to the reclosable fastener itself thereby clarifying the claims to the slider alone.

§102 Rejections

The Examiner has rejected Claims 1-2 and 15-17 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,092,687 issued to Hupp et al. on July 25, 2000 ("Hupp"

hereinafter). Applicant respectfully traverses this rejection as applied to the amended claims of the application.

Hupp relates to a collapsible, stackable container having an improved body configuration of hinged side walls. Hupp teaches the use of sliders to close the container. (Figs. 1-9, C3:L5, C6:L22) However, the sliders of Hupp, specifically shown in Figs. 4 and 5, do not comprise both a tracking member and a pivot at the distal ends of the two elongate members of the slider. Nowhere is it taught or suggested that an improved slider should comprise both the tracking member and pivot. By contrast, the slider of the above-identified application claims as specific claim elements, both a tracking member and a pivot.

The Examiner has rejected Claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Japanese reference 10-305866 published, as filed by the Kao Corporation in the name of inventors Futoshi et al., on November 17, 1998. ("Fitoshi" hereinafter). Applicant respectfully traverses this rejection as applied to the amended claims of the application.

Fitoshi relates to a flexible container, apparently for containing clothes (Fig 2) which has an improved zipper which comprises pieces of flexible tape between the container covers and the zipper itself. Fitoshi teaches the use of zipper sliders to close the container. (Figs. 1-5) However, the sliders therein, specifically shown in Fig 5, do not comprise either a tracking member or a pivot at the distal ends of the two elongate members of the slider. By contrast, the slider of the above-identified application claims as specific claim elements, both a tracking member and a pivot at the distal ends of the respective elongate members.

The Examiner has rejected Claims 1-12 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,122,807 issued to Ausnit on March 3, 1964 ("Ausnit" hereinafter). Applicant respectfully traverses this rejection as applied to the amended claims of the application.

Ausnit relates to a flexible slide fastener such as used to close an opening at the edge of a pouch or envelope. Ausnit teaches a slider having three elongate members the outer two of which have "retaining flanges" which hold the slider on the closure. (C3:L48) The retaining flanges are taught to extend equally along the width and length of the slider. (Figs. 4-5) The sliders of Ausnit do not comprise members which would act as a tracking member or a pivot which would be spaced apart along the width of the slider. Nowhere is such an improvement taught or suggested. By contrast, the slider of

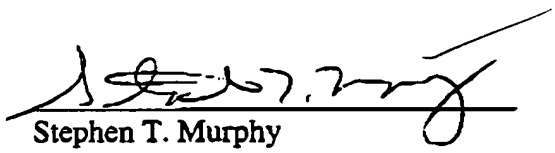
the above-identified application claims as specific claim elements, both a tracking member and a pivot and that they are spaced apart along the width of the slider.

In order to anticipate the claims of the above-identified application under 35 U.S.C. § 102(b) it must be shown that each and every element of the claims must be found in the prior art reference. Kalman v. Kimberly-Clark Corp., 218 USPQ 781 (Fed. Cir., 1983). Applicant submits that each element of the present claims are not found in any of the sited references since no teaching or suggestion is made therein regarding the use of a slider having both a tracking member and a pivot, wherein the tracking member and the pivot are spaced apart along the width of the slider. It is therefore respectfully submitted that the rejections under 35 U.S.C. §102 of the amended claims over Hupp, Futoshi, and Ausnit is improper and should be withdrawn.

Conclusion

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 112, second paragraph and 35 U.S.C §102(e and b) with respect to pending Claims 4-5, 7-14, and 18-29. Early and favorable action in the case is respectfully requested.

Respectfully submitted,



Stephen T. Murphy
Agent for Applicants
Registration No. 42,917
(513) 634-4268

August 27, 2001
Customer No. 27752

VERSION OF COMPLETE CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

The Claims have been amended as follows:

1. (Cancelled) [A slider for opening or closing a rigid, elongate reclosable fastener lying in a plane defining mutually orthogonal X and Y directions, the reclosable fastener having a track providing a travel path having vector components extending in each of the X and Y directions, wherein the slider is slidably attachable to the fastener and moveable along the travel path.]

2. (Cancelled) [The slider according to Claim 1 wherein the track has a finite width defined by the first and second edges and first and second arcs wherein the first edge has a smaller radius of curvature than the second edge at the first arc and the second edge has a smaller radius of curvature than the first edge at the second arc, wherein the slider is pivotable about either a first edge or a second edge of the track.]

3. (Cancelled) [The slider according to Claim 1 wherein the slider closes the rigid, elongate reclosable fastener when moved in a first direction along the travel path and opens the reclosable fastener when moved in a second direction opposite the first direction along the travel path.]

4. (Amended) A slider for opening or closing a rigid, elongate reclosable fastener lying in a two dimensional plane defining orthogonal X and Y directions, [the reclosable fastener having a track running parallel thereto providing a travel path with vector components extending in the X and Y directions,]
the slider comprising:
a base having a first surface;
a first elongate member having an internal surface, a proximal end depending from the first surface of the base and a distal end;
a second elongate member spaced apart from the first elongate member, the second elongate member having an internal surface, a proximal end depending from the first surface of the base and a distal end;

a pivot depending from the internal surface of the first elongate member at the distal end thereof and projecting towards the second elongate member; and

a tracking member depending from the internal surface of the second elongate member at the distal end thereof and projecting toward the first member,[wherein the pivot and the tracking members interface with the track]

the slider further comprising a width running parallel to the first and second elongate members and a length running orthogonal to the first and second elongate members, wherein the pivot is spaced apart from the tracking member along the width.

5. The slider according to Claim 4, wherein the pivot interfaces with a first edge of the track and the tracking member interfaces with a second edge of the track opposed to the first edge whereby the slider is transportable along the track in a travel path having at least one arc wherein the first edge of the at least one arc has a smaller radius of curvature than the second edge.

6. (Cancelled) [The slider according to Claim 5, further comprising a width running parallel to the first and second elongate members and a length running orthogonal to the first and second elongate members, wherein the pivot is spaced apart from the tracking member along the width providing a space for receiving the track.]

7. (Amended) The slider according to Claim [6] 5 wherein the pivot is aligned with the tracking member along the length of the slider.

8. The slider according to Claim 5, wherein the tracking member comprises a second pivot.

9. The slider according to Claim 5 further comprising a rotation restraint for maintaining the first and second elongate members normal relative to the track.

10. The slider of Claim 9 wherein the rotation restraint comprises a pin interfacing with the track wherein the pin depends from the internal surface of the first elongate member and projects toward the second elongate member.

11. The slider of Claim 10, wherein the pin is aligned with the pivot along the width of the slider and offset a distance from the pivot along the length of the slider.

12. The slider according to Claim 9 further comprising a third elongate member depending from the base and spaced apart from the first and second elongate members such that the second elongate member is disposed between the first and third elongate members, wherein the rotation restraint is disposed on the third elongate member.

13. A method of opening or closing a reclosable fastener lying in a two dimensional plane defining orthogonal X and Y directions comprising the steps of:

providing a track along the reclosable fastener defining a travel path having vector components extending in each of the X and Y directions; the track has a finite width defined by first and second opposing edges and at least one arc wherein the first edge has a lesser radius of curvature at the at least one arc relative to the radius of curvature of the second edge at the at least one arc;

providing a slider slidably attached to the track , the slider comprising first and second elongate members extending from a base, a pivot disposed perpendicular to the first elongate member and projecting toward the second elongate member; and a tracking member disposed perpendicular to the second elongate member and projecting towards the first elongate member, wherein the pivot interfaces with the first edge of the track and the tracking member interfaces with the second edge of the track; and

sliding the reclosable fastener along the track in a first direction to open the reclosable fastener and in a second direction, opposite the first direction, to close the reclosable fastener.

14. (Amended) The [process] <u>method</u> of Claim 13 wherein the tracking member comprises a second pivot and the track comprises a second arc wherein the second edge has a small radius of curvature at the second arc relative to the radius of curvature of the first edge.

15. (Cancelled) [A container closable with a cover, the container having a perimeter at least partially sealable therearound by a seal disposed between the cover and the container, the seal comprising a reclosable fastener lying in a two dimensional plane defining orthogonal X and Y directions, the reclosable fastener having a track congruent therewith providing a travel path having vector components extending in each of the X and Y directions, the reclosable fastener is sealable or unsealable with a slider, the slider is slidably attached to the track and moveable along the travel path.]

16. (Cancelled) [The container according to Claim 15 wherein the track has a finite width defined by first and second opposing edges and at least two arcs wherein the first edge has a lesser radius of curvature relative to the second edge at the at least two arcs.]

17. (Cancelled) [The container according to Claim 16 wherein the slider is pivotable about the first edge of the track.]

18. (Amended) A container [according to Claim 16] closable with a cover, the container having a perimeter at least partially sealable therearound by a seal disposed between the cover and the container,
the seal comprising a reclosable fastener lying in a two dimensional plane defining orthogonal X and Y directions,
the reclosable fastener having a track congruent therewith providing a travel path having vector components extending in each of the X and Y directions, wherein the track has a finite width defined by first and second opposing edges and at least two arcs wherein the first edge has a lesser radius of curvature relative to the second edge at the at least two arcs,
the reclosable fastener is sealable or unsealable with a slider,
the slider is slidably attached to the track and moveable along the travel path, wherein the slider is pivotable about the first edge of the track, and
wherein the slider opens the reclosable fastener by sliding along the travel path in a first direction and closes the reclosable fastener by sliding along the travel path in a second direction opposite the first direction.

19. (New) A slider for opening or closing an elongate reclosable fastener lying in a two dimensional plane defining X and Y directions and having interlocking protruded and recessed elements and tracks extending along the length thereof defining a travel path having vector components extending in each of the X and Y directions;
the slider comprising a wedge having an internal surface and an external surface, a closing end and an opening end, both the internal surface and the external surface are inclined in the first direction from the closing end to the opening end, wherein the internal surface presses the recessed element into engagement with the protruded element as the slider moves in the first direction during closing and the external surface separates the recessed

element from the protruded element as the slider moves in the second direction during opening.

20. (New) The slider according to Claim 19 wherein the wedge has a frustoconical shape with an open internal surface.

21. (New) The slider according to Claim 20 wherein the external surface of the wedge comprises a wavy contour extending from the closing end to the opening end which is concave at the closing end and convex at the opening end.

22. (New) The slider according to Claim 21 wherein the open internal surface of the wedge comprises a wavy contour extending from the closing end to the opening end which is convex at the closing end and concave at the opening end.

23. (New) The slider according to Claim 21 wherein the open internal surface of the wedge partially encloses the recessed element during closing.

24. (New) The slider according to Claim 21 wherein the open internal surface of the wedge partially encloses the protruded element during opening.

25. (New) The slider according to Claim 20, further comprising:
a base having a first surface;
a first elongate member having a proximal end depending from the first surface and a distal end;
a second elongate member spaced apart from the first elongate member, the second elongate member having a proximal end depending from the base and a distal end;
wherein the wedge is disposed at the distal end of the second elongate member.

26. (New) The slider according to Claim 25, further comprising a finger member disposed at the distal end of the third elongate member at the closing end thereof projecting parallel to the width of the slider.

27. (New) The slider according to Claim 26 wherein the finger member comprises a concave internal surface and a convex external surface.

28. (New) The slider according to Claim 27 wherein the concave internal surface of the finger member partially encloses a non-interlocking surface of the recessed element of the reclosable fastener.

29. (New) The slider according to Claim 28 wherein the internal surface of the wedge partially encloses the interlocking surface of the protruded element of the reclosable fastener while the external surface of the wedge interfaces with the groove of the recessed element.